

EXHIBIT B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

SUSAN B. LONG and)	
TRAC REPORTS, INC.,)	
)	
Plaintiffs,)	
)	
v.)	
)	No. 5:23-cv-1564 (DNH/TWD)
U.S. IMMIGRATION AND CUSTOMS)	
ENFORCEMENT and)	
U.S. CUSTOMS AND BORDER)	
PROTECTION,)	
)	
Defendants.)	
)	

**PLAINTIFFS' FIRST SET OF REQUESTS FOR PRODUCTION
TO DEFENDANT U.S. CUSTOMS AND BORDER PROTECTION**

Plaintiffs Susan B. Long and TRAC Reports, Inc., through undersigned counsel, submit this first set of document requests to Defendant U.S. Customs and Border Protection (CBP) pursuant to Federal Rule of Civil Procedure 34 and the Court's October 17, 2024, order (Dkt. 45). Plaintiffs request that CBP produce the requested documents by email to undersigned counsel at nsansone@citizen.org or by another electronic document-sharing method agreed upon by the parties within 30 days from the service date of this request. If CBP is unable to serve responses electronically, it may alternatively deliver them to the office of Public Citizen Litigation Group, 1600 20th Street NW, Washington, DC 20009.

DEFINITIONS

"And" and "or" are to be construed both conjunctively and disjunctively, to give each request its broadest possible meaning.

"Any" and "all" shall include "each" and "every" and are not to be construed to limit a request for production.

“CBP” refers to Defendant U.S. Customs and Border Protection and, where applicable, its officers, directors, employees, and all other persons or entities acting on its behalf.

“DHS” refers to the U.S. Department of Homeland Security.

“Document” or “documents” refers to any written material, whether in a tangible medium or electronically stored, that is in CBP’s possession or control or that is otherwise accessible by CBP. “Document” or “documents” shall be construed to encompass any and all materials that fall within the scope of Federal Rule of Civil Procedure 34(a)(1).

“Each” refers to “each and every.”

“EID” refers to the Enforcement Integrated Database.

“Encounter” shall be used to mean the same thing that CBP uses it to mean in its *Nationwide Encounters* dataset.

“FOIA” refers to the Freedom of Information Act.

“ICE” refers to Defendant U.S. Immigration and Customs Enforcement and, where applicable, its officers, directors, employees, and all other persons or entities acting on its behalf.

INSTRUCTIONS

These requests for production apply to all documents in CBP’s possession, custody, or control, as well as any documents held by a person or entity in CBP’s control, agency, or employ.

Unless otherwise specified, all requests for production refer to documents created or transmitted since October 31, 2019.

The request to which each document is responsive shall be specifically identified.

If CBP encounters any ambiguities when construing a request or definition, CBP's response shall set forth the matter deemed ambiguous and explain how the ambiguity was interpreted in responding to the request.

If CBP declines to produce any requested document, CBP shall provide a descriptive list of each such document and state the grounds for refusing to produce the document.

If CBP declines to produce any portion of any requested document, CBP shall specify the reason for its refusal and shall provide the remaining portions of the document.

When CBP has redacted or altered a document in any way, CBP shall identify as to each document the reason for the redaction or alteration, the date of the redaction or alteration, and the person who performed the redaction or alteration. Any redaction or alteration must be clearly visible on the document.

These requests are continuing in nature. In the event that CBP becomes aware of or acquires possession of further responsive documents after initially responding to these requests, CBP shall promptly produce such documents.

REQUESTS FOR PRODUCTION

1. Any and all FOIA requests that have been submitted to CBP, along with any and all responses that CBP has provided to those requests, where *either* (a) the requestor expressly identifies the EID as the source of the records sought *or* (b) CBP produced requested records in whole or in part by drawing data from the EID.

2. Any and all FOIA requests that have been submitted to DHS or a component of DHS, along with any and all responses to those requests, where *both* (a) the requestor expressly identifies the EID as the source of the records sought *and* (b) DHS or the component of DHS has referred the request to CBP.

3. Any and all documents in which CBP has taken the legal position that it has no duty to produce records from the EID because the EID does not contain CBP records for purposes of FOIA.

4. Any and all documents in which CBP has sought ICE's authorization to access, modify, or release information in the EID, along with any and all responses that ICE has provided.

5. Any and all documents that set forth CBP procedures for securing ICE's authorization to access, modify, or release information in the EID.

6. Any and all documents that CBP has released to the public—whether voluntarily, in response to a FOIA request, pursuant to court order, or otherwise—that include data that CBP has drawn from the EID.

7. Any and all documents that explain or describe computer applications, platforms, or interfaces that enable CBP personnel to view EID records in a format that is organized by case ID, alien number, subject ID, EID person ID, EID civilian ID, or CBP encounter.

8. Any and all documents that explain, define, or otherwise describe the EID fields “CIV_ID,” “IMMIGRATION_CIV_ID,” and/or “CSE_IMMIGRATION_CIV_ID.”

9. Any and all documents that explain or describe computer applications, platforms, or interfaces that enable CBP personnel to edit, delete, or modify information that is stored in the EID.

10. Any and all documents that explain or describe CBP's process for compiling the *Nationwide Encounters* datasets that it releases to the public.

11. Any and all documents that describe or reflect CBP's system for assigning unique identifiers to encounters and/or to the individuals apprehended pursuant to encounters.

12. Any and all documents that describe or reflect CBP's ability to query the EID using any unique identifiers that have been assigned to an encounter and/or to an individual apprehended pursuant to an encounter.

13. Any and all documents not already produced that are discussed, described, or otherwise referenced in CBP's responses to Plaintiffs' First Set of Interrogatories and Plaintiffs' First Set of Requests for Admission.

Dated: October 31, 2024

Respectfully submitted,

/s/ Nicolas A. Sansone

Nicolas A. Sansone (admitted pro hac vice)

Michael T. Kirkpatrick (admitted pro hac vice)

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CERTIFICATE OF SERVICE

I certify that on October 31, 2024, a copy of Plaintiffs' First Set of Requests for Production to Defendant U.S. Customs and Border Protection was served via email on:

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Counsel for Defendant U.S. Customs and Border Protection

/s/ Nicolas A. Sansone
Nicolas A. Sansone